



DETERMINATION OF LEGAL PARCEL

POLICY G-3

PURPOSE:

Establish guidelines to be used in determining a legal parcel when issuing a building permit or accepting applications for other approval to develop property.

POLICY:

- A. When a parcel complies with the minimum zoning area requirements, one of the following may be acceptable as evidence of a legal parcel with certain exceptions. (See Section B.)
1. A lot shown on a Final Map. (Major Subdivision Map)
 2. A lot or parcel shown on a Record of Survey approved by the Board of Supervisors or the Planning Commission.
 3. A parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map.
 4. A parcel described in a recorded Certificate of Compliance.
 5. A parcel shown on an approved Division of Land Plat.
 6. A parcel shown on a Lot Legalization Plat. (Used as evidence of legal parcel prior to Certificate of Compliance.)
 7. A parcel shown on an approved Boundary Adjustment Plat.
 8. A parcel described in a Grant Deed or other bonafide conveyance document recorded prior to **February 1, 1972**. The deed/document does not have to be in the name of the present owner. However, it must describe the perimeter boundaries of the subject property and **no other contiguous property**. (See Paragraph C below.) **The legal description and County Recorder's information (date and recording number) must be legible to County staff. The Deed need not be an original nor a certified copy.**

Assessor Recorder
1600 Pacific Highway
San Diego, CA 92102

Kearny Mesa
9225 Clairemont Mesa Blvd.
San Diego, CA 92123

Chula Vista
590 3rd Avenue
Chula Vista, CA 91910-2646

El Cajon
200 S. Magnolia Avenue
El Cajon, CA 92020

San Marcos
334 Via Vera Cruz, Suite 150
San Marcos, CA 92069-2638

9. A parcel which is completely surrounded by lots already determined to have been legally created.

B. Exceptions to this policy are as follows:

1. A recorded Subdivision Map (Major or Minor) invalidates any and all underlying lots or parcels previously established by any other legal means.
2. A Deed recorded prior to February 1, 1972, as a Condition of Approval of a Boundary Adjustment does not constitute a legal lot for the exchange of land as shown on the plat.
3. A Deed recorded prior to February 1, 1972, which would have caused a Major Subdivision to be recorded by the Grantor (Five [5] or more lots).
4. A parcel, which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.

C. A Certificate of Compliance must be requested and obtained for:

1. Any parcel meeting A-4 through A-9 above, which subsequently merged with adjacent parcels as a result of some action taken by the County. (See Section 81.118 of the County Subdivision Ordinance for permitted unmergers.)
2. Any request for a Legal Parcel determination that involves an interpretation of the Map Act and/or the County Subdivision Ordinance.
3. Any parcel which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.
4. Any determination involving more than a routine staff review and decision.
5. Any request for a written determination.

D. Undersized Parcels:

1. When a parcel does not meet minimum zoning area requirements, it will be necessary to verify that it complies with Section 4220 of The Zoning Ordinance, including:
 - a. The parcel was created by A-1 through A-7 above; or
 - b. The parcel was described on a recorded Grant Deed, or other bonafide conveyance document recorded prior to the date the parcel was **first zoned** the zone classification which caused it to be undersized. The deed or document must also be recorded prior to **February 1, 1972** (see Paragraph C-3 and -4, above). If the parcel was created by deed, recorded prior to February 1, 1972, but in violation of The Zoning Ordinance, the owner must be successful in obtaining a zone reclassification or a zone variance.